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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,570	12/12/2003	Philip G. Chauvet		3495

7590 04/26/2005  
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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/735,570

Applicant(s)

CHAUVET ET AL.

Examiner

Mike Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 35-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-52 is/are allowed.
- 6) ☒ Claim(s) 1-16 and 35-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Reissue Applications***

Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6629899 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

### ***Claim Objections***

Claim 36 is objected to because of the following informalities:

In line 1: "sport goals" should be –sport goal–.

Claim 45 is objected to because of the following informalities:

In line 3: "the playing surface" should be – a playing surface –.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5, 7,8,9,10,12,13,15,16,36-37,39,40,42,-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford et al. Ford et al discloses the elements of claim 1 (fig 1), however it fails to clearly disclose the size of approximately 8' tall. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized goals based on cost and design considerations. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112). Element 8 in the Ford device is a removable cover (2:17-20). Also claim 1 of Ford does not include a cover.

As to claim 2 : The device of Ford is capable of standing on water . The structure is inflatable and would float on the water (fig 1).

As to claims 4 and 5 : Ford et al discloses ballast means at least as heavy as water (fig 1).

As to claim 7 : Ford et al discloses four legs (item 5).

As to claim 8 : Ford et al discloses an inflatable bladder (item 20).

As to claim 9: See claim 1 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized goals based on cost and design considerations. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 10 : The device of Ford is capable of standing on water . The structure is inflatable and would float on the water (fig 1).

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As to claims 12 and 13 : Ford et al discloses ballast means at least as heavy as water (fig 1).

As to claim 15 : Ford et al discloses four legs (item 5).

As to claim 16 : Ford et al discloses an inflatable bladder (item 20).

As to claim 36: See claim 1 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized goals based on cost and design considerations. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 37 : The device of Ford is capable of standing on water . The structure is inflatable and would float on the water (fig 1).

As to claims 39 and 40 : Ford et al discloses ballast means at least as heavy as water (fig 1).

As to claim 42 : Ford et al discloses four legs (item 5).

As to claim 43 : Ford et al discloses an inflatable bladder (item 20).

As to claim 44: See claim 1 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized goals based on cost and design considerations. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Also,

Claims 1-5, 7, 8-13, 15, 16, 36-40, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleser et al. Bleser et al discloses the elements of claim 1 (fig 1)., however it fails to clearly disclose the size of approximately 8' tall. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized play pens based on cost and design considerations. Bleser also notes that the play pen dimensions are not critical (4:4-15). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 2 : The device of Bleser is capable of standing on water . The structure is inflatable and would float on the water (fig 1).

As to claim 3 : Bleser et al discloses an net (fig 1).

As to claims 4 and 5 : Bleser et al discloses ballast means at least as heavy as water (fig 2).

As to claim 7 : Bleser et al discloses four legs (fig 1).

As to claim 8 : Bleser et al discloses an inflatable bladder (fig 2).

As to claim 9: See claim 1 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized goals based on cost and design considerations. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 10 : The device of Bleser is capable of standing on water . The structure is inflatable and would float on the water (fig 1).

As to claim 11 : Bleser et al discloses an net (fig 1).

As to claims 12 and 13 : Bleser et al discloses ballast means at least as heavy as water (fig 2).

As to claim 15 : Bleser et al discloses four legs (fig 1).

As to claim 16 : Bleser et al discloses an inflatable bladder (fig 2).

As to claim 36: See claim 1 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized goals based on cost and design considerations. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 37 : The device of Bleser is capable of standing on water . The structure is inflatable and would float on the water (fig 1,2).

As to claim 38 : Bleser et al discloses an net (fig 1).

As to claims 39 and 40 : Bleser et al discloses ballast means at least as heavy as water (fig 2).

As to claim 42 : Bleser et al discloses four legs (fig 1).

As to claim 43 : Bleser et al discloses an inflatable bladder (fig 2).

As to claim 44: See claim 1 rejection. It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected any one of several appropriate sized goals based on cost and design considerations. In as much structure

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set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Claims 6, 14, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford et al as applied to claim 1 above and further in view of Official Notice. Official Notice is taken that the use of flaps to secure inflatable devices to the ground is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to included flaps in order to prevent the device from blowing away in a high wind.

Also,

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bleser et al in view of Official Notice. Official Notice is taken that it is well known in the art to have balls in the device for children to play with. It would have been obvious to one of ordinary skill in the art at the time of the invention balls in combination with the play pen in order to keep the children occupied and in the play pen. In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

Also,

Claims 6, 14, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleser et al as applied to claim 1 above and further in view of Official Notice. Official Notice is taken that the use of flaps to secure inflatable devices to the ground is well known in the art. It would have been obvious to one of ordinary skill in the art at the



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time of the invention to included flaps in order to prevent the device from blowing away in a high wind.

***Allowable Subject Matter***

Claims 45-52 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Michael Chambers  
Examiner  
Art Unit 3711

March 1, 2005

  
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